

REMARKS

The Office Action mailed October 13, 2009 has been reviewed and the comments therein were carefully considered. Claims 49 and 50 have been added. No new matter has been added. Claims 1, 3 – 14, 16, 49 and 50 are currently pending. Claims 1, 3 – 14 and 16 stand rejected. Entry of the amendments and reconsideration are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (U.S. Patent No. 4,918,531, “Johnson”). This rejection is respectfully traversed.

Amended independent claim 1 recites, *inter alia*,

in response to a user selection, changing the first television program to a second television program different from the first television program, whereupon the second television program is displayed on substantially all of the video screen along with a window region on the video screen that simultaneously displays information relating to an item advertised in the commercial, wherein the information relating to the advertised item is different from the commercial of the first television program

Johnson does not teach or suggest all of the above recited features. Johnson is generally directed to a system whereby a commercial message timer is used to time a predetermined time period, the expiration of which causes a television to tune to a particular station. Abstract. FIG. 5 of Johnson, for example, illustrates the display of a commercial message timer (e.g., element 530) with a commercial in a picture-in-picture subframe (e.g., element 520). However, nowhere does Johnson teach or suggest a display of information relating to an item advertised in a commercial in a window, wherein the information relating to the advertised item is different from the commercial and wherein the window is simultaneously displayed with another television program. Indeed, Johnson clearly illustrates and describes a commercial message being displayed in a picture-in-picture frame. That is, the commercial message displayed in the smaller picture-in-picture frame is the same commercial message that would otherwise be displayed as the main, larger picture. See, e.g., FIG. 5. In direct contrast, claim 1 recites a second television program being displayed on substantially all of a video screen along with a window region on the video screen that simultaneously displays information relating to an item advertised in the commercial, wherein the information relating to the advertised item *is different from* the

commercial of the first television program. Accordingly, claim 1 is allowable for at least these reasons.

Claim 8 is dependent on claim 1 and is thus allowable for at least the same reasons as claim 1 and further in view of the novel and non-obvious features recited therein.

Claim Rejections Under 35 U.S.C. §103

Claims 3, 6, 7, 9-13 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Wagner *et al.* (WO 99/17549, “Wagner”). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Alexander *et al.* (U.S. Patent No. 6,177,931, “Alexander”). These rejections are respectfully traversed.

Claims 3, 5, 7, 9 and 10 are dependent on claim 1 and are thus allowable over Johnson for at least the same reasons as claim 1. Additionally, neither Wagner nor Alexander cures the above identified deficiencies of Johnson with respect to claim 1. At most, Wagner describes the use of an indicator to identify the availability of interactive content in a display. p. 12. The mere description of an indicator, however, does not teach or suggest information relating to an item advertised in a commercial, where the information is different from the commercial. Significantly, Wagner states that the indicator may be an animated character which moves in order to gain the user’s attention. p. 12. There is no teaching or suggestion by Wagner that this animated character is related to an item advertised in a commercial. Accordingly, claim 1 is allowable over the asserted combinations of Johnson, Wagner and Alexander for at least these reasons.

Furthermore, one of ordinary skill in the art would not have combined the descriptions of Wagner and Johnson in the asserted manner. In particular, Wagner clearly describes the use of an indicator overlaying a commercial message or other television program. p. 12. The indicator is intended to identify that interactive content is available for the commercial message or television program. *Id.* In contrast, Johnson is directed to picture-in-picture where the smaller frame is one program unrelated to a program in a larger frame. Col. 4, line 54 – Col. 5, line 15. Thus, modifying either Johnson or Wagner such that an interactive content indicator is displayed against another program unrelated to the interactive content indicator would render both Johnson and Wagner unsuitable for their respective intended purposes. Claim 1 is thus allowable for this additional reason.

Amended claim 11 recites, *inter alia*,

providing additional signal information representative of the commercial to be displayed in a window on a video screen while simultaneously displaying the second video program signal on substantially all of the video screen, in response to the input, wherein display of the additional signal information changes at an end of the commercial to indicate that the commercial has ended; and

receiving, from the display equipment, data indicating whether the window is enabled or disabled by a viewer

None of the cited references, either separately or in combination, teaches or suggests such features. As noted, Johnson is directed to a system for providing a commercial message timer and Wagner is related to providing on screen notifications of interactive content. Alexander relates to improvements in electronic programming guides (EPG) and the ability to display advertisements in windows of the EPG. See, e.g., FIG. 1; Col. 3, ll. 8-10. Nonetheless, none of the cited documents teach or suggest receiving data indicating whether a window in which signal information representative of a commercial is displayed is enabled or disabled. Accordingly, claim 11 is allowable for at least these reasons.

Claims 12, 13 and 16 are dependent on claim 11 and are thus allowable for at least the same reasons as claim 11 and further in view of the novel and non-obvious features recited therein.

New Claims

Claims 49 and 50 have been added. Support for the features recited in claims 49 and 50 may be found throughout the originally filed Specification.

Claims 49 and 50 are dependent on claim 11 and are thus allowable for at least the same reasons as claim 11 and further in view of the novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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